

## **REMARKS**

Claims 1-24 are pending in the present application. Claims 1-4, 8, 12, 14-15, 17, 20, and 22 have been amended.

### **Claim objections**

Claims 12, 14-15, 17, 20, and 22 have been amended to overcome any possible confusion of the terms "control signal" and "control signals" by using the terms "first control signal" and "second control signals", respectively.

### **Claim rejection under 35 USC §102:**

Claims 1-5, and 12-17 have been rejected under 35 U.S.C. 102, as being anticipated by Lubbers et al.(US 6,149,248).

The Examiner still rejects the above mentioned claims because the term "vehicle instability" is allegedly covered by the Lubbers reference. In the section "Response to Arguments", the Examiner states that the term "vehicle instability" has been interpreted in light of the specification and in particular in light of the Audi self study program 204 "Electronic Stability Program" to include a situation in which a requested brake force cannot be maintained by the braking system of a vehicle. Even though Applicant still disagrees with the Examiner, in particular because the Audi self study program is extrinsic evidence, Applicant amended the term "vehicle instability" to "a risk of swerving or skidding of the vehicle" to exclude any situations described in Lubbers.

### **Claim rejection under 35 USC §103:**

Claims 6-11, and 19-23 have been rejected under 35 U.S.C. 103, as being unpatentable over Lubbers et al.(US 6,149,248) in view of either Sato, Kircher, or Kircher and Sato.

Applicant amended the independent claims to include the term "a risk of swerving or skidding of the vehicle" instead of "vehicle instability." Therefore, Applicant believes that Lubbers does not apply to the current independent claims. All dependent claims include all the limitations of the respective independent claims and are therefore patentable at least to the extent of the independent claims.


Therefore, Applicant respectfully requests allowance of the present set of claims.

### CONCLUSION

The application as defined in the pending claims is patentable under 35 U.S.C. §102 and §103 in view of the cited prior art. Therefore, applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 070255.0611.

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